

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

ERGON ASPHALT & EMULSIONS, INC., )  
Plaintiff(s), )  
vs. )  
CAPRIATI CONSTRUCTION CORP. INC., )  
et al., )  
Defendant(s). )

) Case No. 2:13-cv-01683-GMN-NJK

**ORDER CONTINUING A  
SETTLEMENT CONFERENCE**

The settlement conference in this case is hereby **CONTINUED** to commence at **10:00 a.m. on February 11, 2015**, in the chambers of the undersigned Magistrate Judge, Third Floor, Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada.

Unless ordered otherwise, the following individual(s) are required to be present in person for the duration of the settlement conference:

1. All counsel of record who will be participating in the trial;
2. All parties appearing pro se;
3. All individual parties;
4. **In the case of non-individual parties, an officer or representative with binding authority to settle this matter up to the full amount of the claim or last demand made**; and
5. If any party is subject to coverage by an insurance carrier, then a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim or last demand.

...

**Any request for an exception to the above personal attendance requirements must be filed and served on all parties within fourteen (14) days of the issuance of this order. Such a request will be strictly scrutinized for a showing of compelling justification.**

**Any request to reschedule the Settlement Conference must be made in writing within fourteen (14) days of the issuance of this order, and any such request must include five alternate dates on which all counsel and other required attendees are available.**

## **PREPARATION FOR SETTLEMENT CONFERENCE**

In preparation for the settlement conference, each party shall submit a confidential amended settlement conference statement for in camera review. The statement shall contain the following:

1. A brief statement of the nature of the action.
  2. The names of the people who will attend the settlement conference.
  3. A concise summary of the evidence that supports your theory of the case, including the names of individuals disclosed pursuant to Rule 26(a)(1)(A)(i), the Rule 26(a)(1)(A)(iii) computation of damages, and the Rule 26(a)(1)(A)(iv) insurance information. You must provide all information in documents or supports your damages claims. Copies of medical records or treatment records need not be submitted but, rather, shall be provided in a table or summary format.
  4. Attach to your statement any documents or exhibits which are relevant to key factual or issues, including selected pages from deposition transcripts or responses to other discovery requests.
  5. An analysis of the key issues involved in the litigation. The analysis must include a discussion of the strongest points in your case, both legal and factual, and a frank discussion of the weakest points as well. The Court expects you to present a thorough analysis of the key issues and evaluation of the merits of your case.
  6. Identify and explain any obstacles to settlement, e.g. medical liens, statutory caps, or issues pending before the Court.
  7. The history of settlement discussions, if any, which have occurred in this case. Provide demands, offers, or offers of judgment that have been made and, if applicable, the reasons they have been rejected. Attach a copy of all settlement correspondence, including all written demands or offers

and responses thereto.

8. Provide the initial settlement proposal that will be presented at the settlement conference with a justification for any monetary amount. The proposal must include any non-monetary settlement terms that will be presented.

The amended settlement conference statements shall be received in the chambers of the undersigned Magistrate Judge, and not the assigned District Judge, not later than **February 4, 2015**.

**DO NOT SERVE A COPY ON OPPOSING COUNSEL. DO NOT DELIVER OR MAIL COPIES  
TO THE CLERK'S OFFICE.**

The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and conducting the settlement conference. In order to facilitate a meaningful conference, your utmost candor in responding to all of the above-listed questions is required. **The settlement conference statement will remain confidential.** If this case does not settle, the settlement conference statement will not be disclosed to the judge who ultimately presides over the trial. Each statement will be securely maintained in my chambers, and will be destroyed following the conference.

**In addition to the above requirements, the parties and counsel must be substantially prepared to meaningfully participate in the Settlement Conference in good faith.**

**FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS ORDER  
WILL SUBJECT THE NON-COMPLIANT PARTY AND/OR COUNSEL TO SANCTIONS  
UNDER FEDERAL RULE OF CIVIL PROCEDURE 16(f).**

DATED: December 4, 2014

~~NANCY J. KOPPE~~  
United States Magistrate Judge